Global partnership, climate change and complex equality

Arler, Finn

Published in:
Environmental Values

Publication date:
2001

Document Version
Publisher's PDF, also known as Version of record

Global Partnership, Climate Change and Complex Equality

FINN ARLER

Department of Development and Planning
Division of Technology, Environment and Society
Aalborg University
Fibigerstræde 13, DK-9220 Aalborg Ø, Denmark
E-mail: arler@i4.auc.dk

ABSTRACT

The prospect of climate change due to human activities has put the question of inter- and intragenerational justice or equity in matters of common concern on the global agenda. This article will focus on the question of intragenerational justice in relation to these issues. This involves three basic questions. Firstly, the question of which distributive criteria may be relevant in the distribution of the goods and bads related to the increasing greenhouse effect. A series of criteria are discussed in relation to different understandings of the problem. The second question is which kind of relationship the global partnership is or should be considered to be in issues of common concern. It is argued that various understandings of the global partnership can be expected to result in the use of different criteria. This diversity leads us to the third question concerning the possibility of identifying an overall social ideal which can be used in cases where several different criteria may be useful. I shall discuss one such ideal in particular, namely the ideal of complex equality. In the concluding remarks it is argued that a distribution of emission quotas to countries in accordance with population size is a reasonable starting point for an equitable solution, although it involves various problems of application.

KEY WORDS

Climate change, greenhouse effect, equity, justice, global partnership, common concerns, distributive criteria, social ideals, complex equality

Environmental Values **10** (2001): 301–29

Friendship and justice seem [...] to be concerned with the same objects and exhibited between the same persons. For in every community there is thought to be some form of justice, and friendship too [...] And the demands of justice also seem to increase with the intensity of the friendship, which implies that friendship and justice exist between the same persons and have an equal extension.

(Aristotle, *Nicomachean Ethics*, 1159b–1160a)

INTRODUCTION

The Preamble to the 1992 Framework Convention on Climate Change (FCCC) begins with the acknowledgment of the signing parties that 'the change in the Earth's climate and its adverse effects are a common concern of humankind'. It is not just a problem for the people who are or will be immediately affected by the adverse effects. It is a common problem for the global community as such, and should be solved, like similar problems of common concern, 'in a spirit of global partnership'. The parties therefore also agree that a solution to the problem should be found 'on the basis of equity and in accordance with their common but differentiated responsibilities', and so that an 'appropriate burden sharing' can be established in which all 'specific needs and special circumstances' are given full consideration.[1]

The parties thus agree that 'humanity' is not just simply a word referring to the total number of human beings living in separate communities. Humankind constitutes some kind of real unity, a 'global partnership', at least in relation to issues of common concern. If 'friendship' (in the broadest sense of the word: a non-hostile relationship) and justice are coextensive concepts, as Aristotle takes it in the quoted passage, the demands of justice or equity, whatever these may be, should therefore be observed by all parties within in the global partnership. Each and every party is under the obligation to contribute in solving problems of common concern, but the strict obligation goes no further than what can be considered an equitable share, taking into account the specific responsibility as well as all the special needs and circumstances, which may be of relevance.

The question which I shall deal with in this article is the question of justice or equity in a world faced with a serious issue of common concern: the increasing greenhouse effect which is bound to cause troubles and bring about redistributions of goods and bads, no matter whether we try to abate it or not. Apart from the difficult scientific problems concerning the possible consequences of the increase (problems which I shall put aside in this article),[2] this is mainly a question of how to distribute various kinds of goods and bads between states, peoples, nations and individuals as well as between generations. The focus in this article is put on the question of intragenerational justice in relation to an issue of common concern at the global level.

This problem involves at least three basic questions, which will constitute the red threads throughout the article. The first question is which distributive criterion (or set of criteria) is or could be relevant when distributing the goods and bads related to the increasing greenhouse effect. In the first section I shall discuss a series of criteria, which could be used, depending on the understanding of the problem. The choice of criteria is closely related to a second question, too, the question, namely, which kind of relationship the assumed 'global partnership' is or ought to be in matters of common concern. Thus, various understandings of this global partnership can be expected to result in use of different criteria. This diversity leads us to the third question: whether there is any overall social ideal which can guide us in cases, such as the present one, where several different criteria may be relevant. I shall mainly discuss one such ideal, namely the ideal of complex equality.

CRITERIA OF DISTRIBUTION

Whenever we try to make a distribution just, fair or equitable, we have to decide which criterion to use. If, for instance, we are going to divide a cake, we have to decide how and for what reasons the cake should be divided. The simplest way to deal with this problem is to use simple equality as criterion, so that everybody gets an equal share. If there are no good reasons to do otherwise, i.e., if there are no relevant differences between the parties, this also seems to be the most fair solution.

There may be other relevant considerations to take into account, however, in which cases equitable proportion becomes more relevant than simple equality. For instance, one of the parties may be more hungry than the rest, another may be a passionate cake lover, yet another may be poorer than the rest and therefore less used to such luxuries, etc. In certain situations these would be relevant qualifications. The cake may also be the prize in a competition, so that the winner is entitled to eat all he can. In most cases the one who baked the cake in the first place is also the one who deserves to get the biggest share (if he or she actually wants it). Obviously, the understanding of the cake as a special kind of good changes along with the changes of criteria and with the changing circumstances.

The example illustrates that, even in simpler cases, there can be a variety of criteria to use depending on the various understandings of the specific good involved and of the distributional setting.[3] It will be clear as we proceed, that this variety is quite significant when we are dealing with complex problems like the increasing greenhouse effect, where many kinds of goods are involved, and where several ways of understanding the problematic are possible. In the following paragraphs of this section I shall examine a series of well-known distributive criteria, which may be useful when distributing benefits and burdens related to the increasing greenhouse effect among nations or peoples. I shall

argue that all of them can be used, but that their usefulness very much depends on how one understands the problem.

a. *Simple equality* is the criterion that is used whenever there are no relevant differences between the involved parties. I take it as a principle which needs no further justification that if no good reasons can be given to behave differently towards any of the affected parties within a given circle of relationship, all parties should be treated equally. The best example of equal treatment in this simple sense is probably the distribution of human rights. Thus, if the greenhouse problem is understood as a question which is mainly about one or more human rights, simple equality is bound to be a main criterion.

This is the case, for instance, if the distributive problem related to the increasing greenhouse effect is understood mainly as a problem of distributing access to a (more or less) limited global commons, which has not been regulated before. In this case, the most obvious (although, as we shall see shortly, not the only) conclusion would probably be to arrange an equal distribution of emission rights or emission quotas. It would be difficult to argue that some parties should be denied access, when this is allowed to others who are similar to them in all relevant respects.

Even in this simple description, however, the precise specification of the right (or its application) is open for different interpretations. For instance, should emission rights be allocated to individuals or to countries (or nations, or peoples)? Should the same amount of emission quotas be assigned to each individual from a global agency, or should the nation state (democratically organised or not) be allowed to determine the distribution among the nation's own citizens, as long as it stays within the commonly determined limits? Or, to take another difficulty, should the equal right be understood as a right to a certain level of gross or net emissions? Should the sinks of greenhouse gases (e.g., forests) within the jurisdiction of nations (or within the property of individuals) be included in the account? If emission quotas are allocated to nations, it will also be necessary to find an answer to the question whether the emission quotas shall be allocated once and for all, or whether reallocations should take place as population sizes change. And last, but not least: should appropriate emission rights be allocated backwards in time, so that certain countries (or individuals) may have used up their shares already?

These problems do in themselves indicate that there may be some relevant differences to consider when deciding on distributive criteria.[4] First, there may be relevant *physical* differences. For instance, some countries have easy access to non-fossil energy sources like hydropower, solar energy, biomass, wind power, or (if this is accepted) nuclear energy resources. Others have fewer possibilities. It may therefore not be considered fair to distribute emission quotas on an equal basis. Physical differences are also important in relation to conse-

quences: some countries are much more vulnerable to the impact of an increasing greenhouse effect than others – low-lying countries, warm and dry countries, and countries with particularly vulnerable ecosystems, whereas others may even benefit from a warmer climate. Such differences may be considered important enough to justify a deviation away from simple equality.

There may also be important *historical* differences. Some countries may insist, for instance, that they have already been using the commons for a considerable time. These countries could argue that we are not talking about entering some virgin territory, wherefore entitlements based on prescriptive rights emanating from previous usage would be relevant. Others would turn this understanding upside down and say that the countries that have emitted great amounts of greenhouse gases for a considerable time have already used up their fair share of the common, therefore they should pay the rest if they want to have continued access.

Still another kind of difference that may be considered to be relevant is *social* difference. Thus, one may ask whether the problem with the increasing greenhouse effect should be understood in isolation from social and developmental problems or not. Just as one could argue that more cake should be given to the hungriest parties, it could be argued that the increasing greenhouse effect should be seen in close relation to the different levels or kinds of development, and solutions sought accordingly. After all, the most vulnerable countries will be those with the weakest social, economic, and educational structures. In rich low-lying countries like the Netherlands they know what to do about a rise in sea level, and they have the appropriate means, scientifically, technically as well as financially, to implement good solutions. On the other hand, in countries with financial resources way below the world mean, and with economies based mainly on agriculture, any change in climate will inevitably mean a lot. Poor countries cannot afford to buy or develop new crops, they cannot support appropriate research facilities which could decide which kinds of plants would be best to use under the changing circumstances, etc. To conclude, for a number of reasons criteria other than simple equality may very well be found relevant.

b. One such alternative criterion is *desert*, a criterion depending on common goals, common standards of excellence, and/or common conceptions of responsibility. In this case the relevant differences, which make it reasonable to deviate from simple equality, are the unequal contributions (whether positive or negative) to common goals. If desert is used as criterion, positive contributions are rewarded in an appropriate way, whereas those responsible for negative contributions are blamed, asked to remedy their actions, or penalised appropriately.

The application of this criterion presupposes the presence of an agreement on commonly accepted goals. In the case of the increasing greenhouse effect an agreement has already been made, although the formulation is fairly weak and

open to interpretation. According to the Framework Convention, the greenhouse gas concentrations in the atmosphere ought to be stabilised 'at a level that would prevent dangerous anthropogenic interference with the climate system'.[5] It is obvious that there can be many ways to determine the level, at which the interferences can be called dangerous. But still, it is a standard which can only be twisted and bent within reasonable limits. A well-established principle like the Polluter Pays Principle can thus be used, i.e., those who contribute most to the problem (beyond a certain basic limit) should pay the price, and/or take the lead in remedying the damage and/or in compensating the victims whenever this would be an option. On the other hand, those who make an effort to solve the problem should be rewarded.

c. Distributions can also be made in accordance with *needs and abilities*, so that 'the heaviest burdens are put on the broadest shoulders', and the weakest parties, or parties with particular problems, are relieved more or less from their burdens. Apart from accepting differences in needs and abilities as relevant differences in the first place, at least a couple of main prerequisites for using this criterion will probably have to obtain, too. Firstly, the partnership among the involved and affected parties will have to be considered strong enough to motivate even the best-off parties to contribute according to abilities. I shall return to this in the next section. Secondly, the stronger parties ought not consider the special troubles of the weaker parties as primarily (and permanently) self-inflicted. In such cases, transfers no longer seem fair. If both of these conditions are fulfilled, however, needs and abilities are likely to be considered.

If we apply this criterion to the greenhouse problematic, the best-off countries (however this is measured) will have to accept special responsibilities, not just because they recognise their main historical responsibility for the increasing greenhouse effect (or because they have gained much from the activities leading to the increase), but first and foremost because they are most able to make a significant contribution to solving the problem. Likewise, the special needs and circumstances in poor and/or vulnerable countries have to be considered relevant enough to the problem at hand to treat these differently. Although the countries signing the Framework Convention in 1992 agreed that care for the neediest parties should be integrated in all future agreements, a general acceptance of a convention with need and ability as sole or main criteria is not likely to be obtained. There does not seem to be a consensus about seeing the global partnership to be tight and strong enough for this kind of commitment, and unless a clear line is drawn where the equitable duty to assist needy peoples stops, we could easily end up with a permanent transfer of goods from well-functioning to ill-functioning societies.[6]

Another important obstacle to a solution along these lines is that it will be difficult to manage, unless very clear criteria are defined, and a consensus about which criteria are relevant may be hard to reach. Almost every country can claim

to be a special case one way or another: some countries have a cold climate and therefore claim to have a special need for energy. In warmer countries, on the other hand, there is a special need for energy-consuming cooling equipment. Countries with a low mean income can claim their special needs and lack of ability, whereas richer countries may claim to be in a state of transition (which always turns out to be longer than originally expected), or that they are faced with a temporary crisis, or that their economic progress should not be threatened, because the progress of other nations is dependent on it, etc. As is easy to imagine, such claims have had a major impact on the negotiations so far.[7] To this can be added the further difficulty that circumstances will inevitably change, and that the negotiations will therefore have to be repeated over and over again. I am not saying that these difficulties should prevent us from taking needs and abilities into consideration at all. I believe they should be included. All I am saying is that it is very difficult to find an equitable and clear-cut solution which does not cross somebody's more or less reasonable claims.

d. Still another distributive criterion is *usage* or *prescriptive rights*. This, again, is a criterion which has been used in a variety of cases. Sometimes rights based on usage are turned into genuine property rights, but this is not always the case. The main argument behind using usage as a criterion is that, as long as there are no reasons for reallocations strong enough to be accepted by all affected parties, things should be left as they are. Those who came first, or who have used a certain good for a long time without any legal objections from others, should not be forced to change their customary practice unless reasons are given which can convince everybody, including those who will be losing their rights of usage.

In relation to the greenhouse problematic this would mean either that any distribution of rights and responsibilities as far as possible should be made in accordance with status quo, or at least that status quo should be accepted as the baseline for further regulations, so that, e.g., all countries reduce their emissions with the same percentage, if a need for reduction is commonly accepted. The countries which have the largest emissions, and which accordingly have been used to having access to this global common, should keep their rights either in absolute or in relative terms. The Montreal Protocols on ozone-depleting gases can be seen as being made along these lines, for instance, and it has been argued that these protocols should be used as the most important precedent for climate change treaties.

e. *Chance* or *luck* is yet another distributive criterion that could be considered relevant. In this case the greenhouse problem is interpreted as a kind of lottery or competition with winners and losers. Natural and historical chance alone determine the baseline point of reference, and maybe even more than that. One should notice, that this is the criterion accepted, for instance, in the distribution of resources among countries. It is considered to be a simple matter of fact, and

not a case for deliberation and negotiation, that some countries have many natural resources, others only few. Distribution of natural features and abilities of individuals is another example, where luck or chance is accepted as the criterion: nobody demands a redistribution of strength and cleverness, beauty and charisma, or that everybody should have the same height and weight.

In many cases this criterion is used in connection with a right of *voluntary redistribution* of the goods acquired by chance.[8] For instance, there is no commonly accepted demand that countries with large reserves of, say, fossil fuels ought to share these resources with the countries that did not have this kind of luck.[9] Instead, these countries are forced to buy the needed resources from the luckier ones (or to find some other way of getting around their lack, for instance, by seeking another kind of resource base). In this case, a redistribution is taking place without a central distributive bureau using external criteria. One could say that the procedure of voluntary redistribution is a criterion in itself, or that willingness to pay combined with ability to pay determine the result. Voluntary redistributions could also take on the form of charity. However, the basic point remains in this case that redistributions are, in Kantian terms, not perfect but only imperfect duties, i.e., they are not related to strictly obligatory actions but only to meritorious ones.[10]

Earlier in this article I wrote that if the greenhouse problematic was conceived as a problem of distributing access to a hitherto unregulated commons, the most obvious option would be to distribute access rights to all on an equal basis. This is not the only solution, however. Luck or chance would also be a possibility. This was the way, for instance, in which part of the North-American prairie land was distributed among the settlers: those, who came first to what was considered to be a free, open, and unregulated area were entitled to keep and use their share of land, or to sell it voluntarily without force or fraud to somebody else. Emission rights could accordingly be distributed either freely, as long as there is no common decision concerning specific limitations, or through an auction on emission rights if the need for limitations is generally accepted, or even more simple: by letting those, who get access before the limit is reached, have the emission rights, and then letting the rest buy the rights (or quotas) from those who came first.

One should notice that if luck or chance is accepted as main criterion, it seems difficult to set any limits to its use. In the last resort, the ones who just happens to be most powerful at a certain time for natural and historical reasons, would also be the ones who set the agenda. Or, in an almost as radical case, that of total *laissez faire* with unlimited property rights, the chance or lottery model would imply a Victim Pays Principle, as the victims (or potential victims) would have to either take on the burdens from the impacts of an increasing greenhouse effect, or pay the emitters to minimise emissions in order to avoid potentially severe impacts.

In a less radical case, where more common regulations are widely accepted, and a common agreement is made to compensate damage done to some people's proper goods, this criterion would bring us closer to a Polluter Pays Principle, although only beyond a certain overall limit of acceptable emissions. This would mean that the only parties who would have to pay would be those who get into the game late, or those who cannot keep their emissions within the limits they were entitled to (by chance) in the first place. It should be noticed, though, that even this (still rather antisocial) sort of solution depends on the presence of a social community, which can determine and implement common regulations.

KINDS OF RELATIONSHIP

So far we have seen that the choice of criteria is intimately linked to the understanding of the goods involved, and that there are various reasonable understandings available in complex questions like the increasing greenhouse effect. In this section I will try to show that the choice of distributive patterns is not just dependent on some isolated understanding of goods and bads, but also on the understanding of the relationship, within which the goods and bads are distributed. In order to make this connection more obvious, let us take a quick look at the simple example of dividing a cake once again.

Let us say, first, that the cake-eaters are good friends, who are actually sharing the cake rather than simply dividing it. In this case no one will care much about whether the shares have exactly the same size. They will also be prepared to give more to the hungriest parties, and they will undoubtedly give the last piece to the notorious cake-lover. Another situation emerges if the parties are only in it in order to get a piece of the pie, and there is no affinity at all between them. In this case everybody is likely be eager to make sure that he or she is getting exactly the fair share. Similarly, the parties will be less inclined to accept reasons for taking differences into account; hunger is not likely to count as a reason, and fondness for cake even less. If the parties were hostile to each other, some of them would probably even try to get more than their fair share, and some might go as far as using power to get as large a piece as possible.

So it is important to be aware of the kind of relationship within which the distribution is taking place. As Aristotle stated the point, we do not have the same kinds of obligations to enemies, fellow citizens, comrades and family members.[11] This is no less true when we are talking about the increasing greenhouse effect. The understanding of how a reasonable distribution of burdens and benefits ought to be constructed, will very much depend on how we understand the global partnership in relation to issues of common concern.[12] Although there is no one-to-one relationship between the choice of criteria and the understanding of how the involved parties are mutually related, some criteria will still be

more important in some relationships than in others, as I have tried to show in Figure 1. So let us take a quick look at some of the different kinds of human relationships which may be of relevance when we try to deal with a problem of common concern like the increasing greenhouse effect.

Distributive criteria used in different kinds of relationships. Main criteria are emphasised.	**Hostile relationship**	**Close relationship (benevolence)**	**Goal-oriented relationship**	**Utility based relationship**	**Political relationship**
Simple equality	Everybody is equally forced to fight for him- or herself	Everybody gets an equal share, unless relevant differences are mutually acknowledged	Everybody has an equal chance to contribute, and to be rewarded (or penalised)	Everybody can equally make contracts, if there is mutual advantage	***Everybody has equal democratic rights (liberal, participatory, social)***
Desert	No direct regard to desert	Praise to those who deserve it – but no other privileges on that account	***Positive contributions are rewarded, negative ones penalised***	Only regard to desert in so far as part of the contract	***Positive contributions are rewarded, negative ones penalised***
Needs and abilities	No direct regard to needs and abilities	***To each according to needs, from each according to abilities***	Useful abilities are rewarded; needs may be considered, if the goal can be furthered this way	Only regard to needs and abilities in so far as part of the contract	***Help the neediest, let the most able contribute most - within reasonable limits***
Usage and entitlement	No direct regard to usage	Appropriate regard to usage, but no need for prescriptive rights	May be considered, if the common goal can be furthered this way	Only regard to usage in so far as prescriptive rights are part of the contract	Appropriate regard to usage, although not necessarily as prescriptive rights
Luck and chance	***Natural and historical chance determines the outcome***	Positive qualities, acquired by chance, are applauded without envy	May be considered, if common goal can be furthered this way	***Chance determines the baseline, from which costs and benefits are weighted***	Appropriate regard to contingent natural and historical differences

FIGURE 1. Main distributive criteria in different relationships.

Let me start with a couple of extremes: on the one hand, there are *hostile relationships* where all parties consider themselves to be mutual enemies or at least uncompromising competitors, and on the other hand, there are *closer kinds of friendship* in families and kinships, or in relationships among people who care very much about each other. In the first case, where all parties see each others as enemies, discussions about distributive principles are of little use. All kinds of distribution are more or less dependent on power relations, and thus primarily based on luck or chance. Nobody acts out of any motivation apart from narrow self-interest, and everybody behaves as a free-rider whenever he or she gets the chance. The best one can hope for is peace, understood as an order where the parties avoid hurting each other.[13] If the global relationship was like this all the way down, there would probably be no reason at all to discuss climate change conventions.

In the second case, the intimate kinds of friendship, everything seem to be almost exactly opposite. Everybody is as interested in the wellbeing of others as in his or her own, nobody would even think of acting as a free-rider, etc. There is one important point, however, where the second case is similar to the first one: once again, the concern for distributive justice becomes secondary to other considerations, in this case to the preservation of friendship.[14] To insist very strongly on just distributions seems petty-minded in closer kinds of friendship, although some kind of equity will inevitably be maintained in so far as all parties strive to preserve friendship, and therefore also some kind of equality. The global partnership is not and is not likely ever to be as close and mutually generous as this, not even in matters of common concern, so we have to look at other kinds of relationships in order to find a more adequate model.

Let us therefore turn to two kinds of relationship which lie somewhere in between, and where distributive principles are not in this way made secondary to something else. One such kind of relationship is what Aristotle called a *purpose- or goal-oriented friendship*, i.e., an association of people with common goals and values. An important distributive criterion in this kind of partner- or relationship is desert: those who contribute most in accordance with the common purpose are rewarded in an appropriate way, and those who show excellence in a commonly understood sense within the ambit of the association are likewise praised. As we saw earlier, desert could be a criterion to be used in relation to the greenhouse problematic as soon as there is an agreement about the common goal. Thus the global partnership could be seen as a goal-oriented relationship at least within this specific field.

However, others would be more inclined to see it as a more narrowly defined *utility based relationship*, i.e., a relationship based on mutual advantage, or a provisional and temporary friendship which only lasts as long as all parties can see an advantage in preserving it. In this case, only agreements about distributions based on mutual advantage would be possible. In such relationships, everybody thinks in term of interests, and everybody is ready to drop the partnership as soon as the costs become larger than the benefits. Contracts and agreements have to make everybody better off in order to survive. Obviously, if this is how we see the global relationship, there will be severe limitations on the spectrum of possible climate change agreements, and future generations can expect to be the true losers.[15]

A much more complex kind of relationship is the one which Aristotle called a *political friendship*, i.e., the kind of relationship which keeps political units together and which makes people act in a spirit of community.[16] As already Aristotle himself made clear, a well-functioning political community will have to subscribe to a series of values and principles. First of all, there must be at least a minimum of fraternity or solidarity, implying a certain amount of care for the weakest and worst-off parties,[17] as well as a common striving to reach reasonable concord: a sufficient amount of reasonable agreement, e.g., on principles of

justice and equity. In general, a spirit of reciprocity must be present, expressed, for instance, in a habit of taking into account everybody's point of view. To this can be added a need for procedural fairness: non-discriminatory law, equal rights of participation, freedom to pursue one's own reasonable conception of the good life, etc.

If the global partnership around common concerns is understood in terms of a political relationship along these lines, this has important implications for the choice of criteria. Criteria like needs and abilities will undoubtedly play a more important role, as the increasing greenhouse effect will not be interpreted in isolation from other issues. The solution to the problem will then have to be designed in such a way that the special needs of the most vulnerable and weakest parties are considered particularly. If, on the other hand, not even the weakest kind of political relationship is considered to be present, this will speak in favour of criteria like luck or whatever seems to be of mutual advantage (taking particularly notice of the needs and ambitions of the strongest and most dominant parties).

In his most recent book, John Rawls has suggested – in line with several others – that, in general, the global partnership should be conceived as a relationship of peoples, the character of which is defined by eight familiar principles of international law: self-determination, limited only by the duty to observe common treaties (including treaties on human rights), equality, duty of nonintervention (except in cases of grave violations of human rights), right of self-defence, honouring of human rights, duty to observe specified restrictions in the conduct of war, and the duty to assist burdened societies until they are able to manage their own affairs in a just (or decent) way.[18] This is a kind of relationship, which shows some resemblances with (domestic) political friendship, in particular when the honouring of human rights and the duty to assist burdened societies are given as prominent position as they are by Rawls. The main difference is that the members of the global partnership are peoples (or nations), not persons or citizens, so that most issues are left to be settled by national regulations in accordance with domestic conceptions of justice and equity.

This understanding of the global relationship in accordance with the basic principles of international law (or Rawls' utopian law of peoples) is open to interpretation, and, consequently, to common negotiation. This is the case, in particular, when applied to problems of common concern like those related to the increasing greenhouse effect. A strong interpretation of the duty of nonintervention would imply, for instance, that the emission of greenhouse gases beyond a level much lower than the present one should be stopped immediately, because it threatens the very existence of several low-lying countries. A weaker interpretation would suggest that peoples inhabiting countries where human-induced climate changes have important negative consequences should only be compensated properly if (or when) the predicted climate changes are actually taking

place – however this may be done in cases where countries are disappearing. In general, this conception of the global relationship does not in itself determine which criterion (or set of criteria) to use when distributing the goods and bads in relation to issues of common concern like that of climate change, in so far as it allows a broad spectrum of interpretations, using criteria like needs and abilities at the one end, and luck and chance at the other.

THE NEED FOR GUIDING IDEALS

In the previous discussions concerned with finding the most equitable distribution of the burdens and benefits of an increasing greenhouse effect, a broad variety of proposals have been put forward.[19] These proposals are very varied in regard to the understanding of the main goods involved, the choice of distributive criteria, the construction of distributive procedures, as well as the understanding of the global partnership. With reference to the criteria and kinds of relationship sketched above, however, one can almost directly reconstruct the general outlines of most of these proposals.

If simple equality is used as criterion, the problem is understood as one of distributing access to the global commons, and the global partnership is conceived as at least a minimalistic political relationship in the sense described, the first solution most people think of is to distribute emission quotas to countries in accordance with population size. Thus, everybody gets an equal share in (the use of) the global commons. If these quotas are large enough they may later be redistributed voluntarily from countries with low emissions to countries with high emissions. As far as I can see, this is the proposal which has been put forward by most theorists, even though it has not had much success in the negotiations so far.

If the global partnership around common concerns is interpreted in an even stronger form, however, needs and abilities will play a more important role, so that, e.g., the burdens of mitigating the increasing greenhouse effect are to be distributed in accordance with GNP, GDP, or some other measure of wealth and ability. Proposals along these lines are not only very strongly dependent on a common sense of global community: they also often depend on the acceptance of just one measure of success and ability, usually money. One should be aware that this is not without its problems, however, when we are talking in terms of equity.

Let us say, for instance, that the economically well-off people were working in a very hard and disciplined manner in order to keep up their wealth, whereas the poor people were less wealthy in economic terms because they used their time fulfilling other kinds of life goals, religious, intellectual, meditative, artistic, sexual, or whatever. In this case, it does not seem equitable on any standard to demand a heavy involuntary transfer of means from the wealthy and hard-

working group to the group of economically poor people who are busy with other things.[20] I am not claiming, of course, that this is the reason why there are economic inequalities in the world of today. I am only making the point (to which I shall return later on) that it can be quite problematic to equalise in relation to one parameter only.

Another situation emerges if global ties are considered to be much less demanding than those we find, for instance, in democratic welfare states, or even than those prescribed by international soft law documents (or Rawls' utopian law of peoples). In that case, criteria like luck and entitlement based on usage are likely to become more important. One may argue, for instance, that a global agreement on climate change should not change the previous distributive patterns of the world significantly, so that everybody (at least those with more than a certain minimum emission) should cut emissions of greenhouse gases by the same percentage. The 1997 Kyoto Protocol to the Framework Convention was by and large made along these lines, although there were several unfounded *ad hoc* exceptions allowed for various countries.[21]

Another possibility is to say that everybody should pay the same CO_2-tax per unit of emission, independently of relative wealth. This has been proposed, for instance, as a general tax in the EU, and a few countries have already adopted it as their national policy. In this case simple equality (everybody pays the same tax per unit) is mixed in a particular way with desert (the more you act in line with the common goal, the less you pay), luck and usage (the baseline distributive pattern is not changed). Still others argue that desert and responsibility should be brought more into the foreground, so that principles like the Polluter Pays Principle should be given full consideration, and previous emissions be taken into account. The risks which the emitters of greenhouse gases impose on vulnerable countries can also be considered as attacks on the national sovereignty of these countries, in which case the ordinary rules of international law regarding mutual non-interference could be used.

If the idea of a global partnership is minimised almost to the extreme, one could argue for a solution, in which only original luck and voluntary, mutually advantageous contracts and redistributions among individuals (or countries) should determine the result. Many would say that this is not far from the order of the day, even though it has never been stated clearly as a proposal. The goals of the common conventions and agreements are still either so vague or so weak that they are not making much of a difference anyway. Original luck is also the main criterion in another proposal, which I have already mentioned previously: the emission quotas could be sold to the highest bidders at a global auction.

We are thus faced with a situation where we cannot simply refer to only one commonly accepted understanding of the problem with the increasing greenhouse effect. This means also that we cannot reduce the problematic to a distribution of just one particular kind of good with an inherent set of distributive criteria. In a situation like this, there are two ways to go. The first way leads

downwards into the mud of details, the second one leads upwards into the thinner air of general ideals. I see no way of avoiding taking both ways. On the one hand, it is necessary, as far as it is possible, to sketch the most likely consequences of the different proposals (and combinations of proposals) for each nation. This way one can get a series of close-ups, which may seem confusing when put together, but which still make it possible to focus more precisely on the most severe problems (and to neglect the less substantial worries). What intuitively seem to be extreme and inequitable consequences, in theory or in real life, of an otherwise reasonable combination of proposals can thus be identified, and hopefully remedied either through a change of principles or at least through some ad hoc solutions.

On the other hand, it is necessary, too, to ask whether it is possible to find a social ideal or an overall ideal of justice (or equity),[22] conceived as a general standard of standards, which can help us select the best solutions from among the different possibilities. If it is possible to find any such ideal, it will have to satisfy at least the following three fundamental demands. Firstly, it must be an ideal that one way or the other is able to transcend (but not erase) all the particular distributional schemes concerned with particular goods and bads when guiding us through the jungle of opposing demands from the diverse proposals. This is a necessary condition, because we are looking for an ideal that can help us choose from among a variety of distributive schemes, based on different kinds of understandings.

Secondly, if we, the global community (in the broadest sense of the word), is to adopt any common agreement at all, or if the citizens of the globe are to act with an attitude beyond that of the most narrow kind of self-centred interest, there must be some basic idea of a global partnership present in the guiding ideal. I am convinced that the ideal must be in line with Aristotle's hint about the necessary ties between friendship (or relationship) and equality. 'Friendship is said to be equality', he writes,[23] and continues a little later, that this does not mean that everybody should act and behave uniformly, nor that everybody should be treated as if they were all identical. People are different, they have different strengths and weaknesses, needs and abilities, features and qualities, wants and aspirations, etc. Consequently, the kind of equality, which is appropriate within a friendly relationship (in this case: the global partnership), has to be understood as something distinguished from uniformity. It cannot imply a principle of simple equality, related to one particular kind of good, but rather a principle of 'proportion that equalises the parties and preserves the friendship',[24] which can be used as the general guideline.

Lastly, in order to cover the broad spectrum of life styles among the members of the global partnership, we have to identify a kind of ideal that does not force us to interfere radically with local or national habits, understandings and orders of priority, as long as these are reasonable in the Rawlsian sense, i.e., that they themselves allow a pluralism of life forms and keep the door open to cooperation

with others on terms all can accept.[25] The ideal ought not be dependent on just one very local hierarchy of goods, or on just one highly particular understanding of the good life. This is not the same as saying that it should be completely neutral towards all conceptions of the good life. I am not saying that it can be, nor that it should be completely neutral (promoting partnership and cooperation is in itself a limitation on the number of possible conceptions of the good life), but this is a point on which I cannot elaborate here. All I am saying is, that it should not depend on just one highly peculiar local understanding like, say, a religious conception of the good.

There are actually several ethical theories with inherent ideals which satisfies at least some of the three demands. For instance, cosmopolitan utilitarians argue not only that we should try to maximise overall (or average) welfare within humanity as a totality, i.e. a global relationship interpreted in a very strong way, but also that we should always keep the law of diminishing returns in mind. Distributive schemes should therefore be promoted which lead to more equality, because this is likely to enhance overall (or average) welfare. If refined enough, allowing intermediate rules related to specific institutions and associations, it may also be able to respect the distributional schemes related to specific goods.

Another road is taken by defenders of the various kinds of maxi-min or mini-max principles, among which the most prominent is the so-called difference principle in John Rawls' theory of justice, according to which we should always try, within the borders of a national (and political) partnership, to improve the conditions of the worst-off people, whether or not this in itself results in a larger amount of overall wealth and welfare. If extended to the global partnership, this would imply a duty to find distributive schemes which, directly or indirectly, improve the conditions of the worst-off world citizens.[26]

Although there is room for much refinement in both kinds of ideals, including various ways to deal with the fact that humanity is divided into separate societies with different political aims and cultures, they tend to suffer from the same weakness, however: their applications of general welfare functions usually depend on the identification of one single denominator, which all goods and bads need to be measured by or reduced to, first of all wealth or welfare, often conceived in monetary (or similar) terms. Only this way, their defenders often argue, will it be possible to transcend all the local understandings and orders of priority. By using only one common denominator all the otherwise incommensurable goods can be compared, and put on the same formula.

The problem is that this way they are likely to reinterpret the particular understandings of specific goods in a manner which in many cases is quite foreign to the understandings of the involved parties. To reduce, say, the enhancement of goods like natural beauty, leisure or artistic performances to questions of maximising wealth or welfare can hardly be said to be a neutral procedure transcending all particular understandings. Rather, it seems like a way of promoting only one very particular kind of understanding at the expense of

others. If we want to avoid these kinds of reductions, we must therefore look for an ideal somewhere else. We may have to return to reductions at a later stage, if we cannot get any further without them, but until then, there seems to be a good point in avoiding them. The one ideal, which is most explicit in rejecting the measurement of separate goods on the same scale, is the ideal of complex equality.

COMPLEX EQUALITY

The ideal of complex equality can be sketched as follows.[27] In any society there is a great variety of goods: intellectual, sexual, athletic, artistic, political, moral, etc. These different goods cannot be put on one common denominator, they cannot be measured on one common scale. There cannot be just one master good, which everything else can be exchanged with, and which can be used to measure the relative status of each individual in order to judge whether he or she has been treated equitably. This again means that there cannot be just one master principle with just one distributive criterion, which can used everywhere in order to give everybody a just and equitable share. Nor can there be just one distributor or just one distributive procedure.

Instead, the distribution of each kind of good needs to be kept autonomous as far as possible, so that it can distributed according to its own inherent criteria. For instance, formal participatory right should be given to everybody on an equal basis, whereas actual influence should be given to those with the best arguments, and not be exchanged for, say, wealth or strength or sexual performance. Or, to take another example, no one should be able to get a world championship in sport just because of his excellent skills in rhetoric, or because of his friendship with the commissioners of the game, however tender and caring it may be. Nor should he be praised as champion because he needs to be cheered up a bit, being one of the worst-off citizens. Things should not be mixed up this way.

Each individual (or society) tries to live (arrange society) in accordance with his or her (their) particular conception of the good life, and therefore tries to obtain the corresponding goods. Nobody can cover all possible ways of self-expression, at least not equally well, and nobody can reach all kinds of satisfaction. Each individual (or society) will therefore strive for exactly his or her (their) very own combination of expressions and satisfactions, including the satisfaction of self-esteem, which follows from living in accordance with one's own conception of a good and decent life under the given circumstances.

The basic point of complex equality is that as long as the spheres are kept separate, and as long as there is no single good which has become dominant over all the others, no single hierarchy can be maintained as the dominant one. Equality can therefore not be related to one single quality (this would be simple equality), but is the general outcome when a large number of separate distribu-

tions are made, each of them focusing on a separate quality. A human being (or a society) who is relatively poor in terms of money may nevertheless have a rich life in terms of love, artistic skills, intellectual activity, free time, moral integrity, natural beauty, or whatever combination of goods he or she (or they) may find most valuable. The price for acquiring more money (or any other single good) may be considered to be too high in terms of other valued goods.

As a result nobody can win in all spheres, whereas everybody can win somewhere, or to be more precise: everybody can be on the winning side in his or her special combination of performances and satisfactions. One may not be the best singer, nor the best athlete, nor the best thinker, nor the best nurse, nor the best father, but no one else may be able to perform better in one's own special combination, at least not in similar surroundings, given the same preliminary conditions.

Or, now talking explicitly in terms of societies, the residents may not be living at the most beautiful spot in the world (at least, this is what other people tell them), they may not have the highest average income, they may not have the most successful national football team, they may not have the best musicians (at least not in internationally recognised genres), they may not have the best schools and universities, etc. Still, they may not want to exchange their lives with anybody else, because they themselves are the only ones who can fully appreciate the very special combination of qualities which nonetheless are present in their own society. Only they can fully grasp the local qualities, understood properly in relation to the particular conditions and the always unique history. We all do it our very special way, and appreciate doing it exactly this way.

Thus, even though there will be differences in status within each separate sphere – some are faster, some are smarter, some have more will power, some are more sensitive, and some are more beautiful than others – the combination will tend to set off the overall differences, when it is complex enough. Or to be more precise: there will be many different hierarchies, which cannot be compared directly, or which will be compared very dissimilarly in different parts of society (or in different societies). Although there are many inequalities at the micro-level, the overall picture can thus be expected to be one of equality, as long as there are no externally imposed disturbances, which make a limited set of qualities more important than others for everybody.

It is likely, then, that each individual (or society) will tend to think of social status in terms of a combination of indicators, which makes him- or herself, or his or her own society, particularly proud of their own set of assets and achievements.[28] If we all realise the good point in doing this, loving what we have, and what we are, instead of focusing on what we are not and have not, no one will lack self-esteem.[29] It can be argued, therefore, that nobody will have much reason to envy anybody else because of their properties, abilities, or social status. Why envy anyone else, if your own particular combination is the one which makes you proud of yourself?

Robert Nozick has taken this point to the extreme by arguing that there can be no reasons left to make any redistributions away from status quo (created by natural and historical chance, together with prescriptive rights and voluntary redistributions), as there are no commonly accepted principles or standards to follow. If everybody has his or her own separate hierarchy of standards for social status and wellbeing, how can we ever agree on any common set of standards of redistributive justice and equity? Even if we wanted to enhance the position of the worst-off people, how can we identify them in the first place, if different people have different positions in different hierarchies? Petty-minded envy, the true sign of a lack of self-esteem, is what lurks behind all demands about redistributive justice, and self-esteem cannot be equalised through any kind of redistribution.

Nozick has made an interesting point which is quite close, as far as I can see, to those of many existentialists: choose your own life, and be proud of it as such, no matter who you are, and how bad the circumstances may happen to be. Still, in our connection this line of argument is simply a dead end street. One can easily continue to love oneself, not being interested in exchanging identity with anybody else, while at the same time finding one's own condition as well as that of others intolerable (or inequitable). This would most obviously be the case, when various factors tend to influence the total system of distributions in a way that makes the final overall result seem unfair. In this case the ideal of complex equality has to take an active turn, trying to remedy the influence of the factors which threaten either the complexity or the equality of the distributive system. Which factors should we consider especially, if this is the case?

First of all, some goods may after all be more important than others for the distribution of relative status. If this is true, the ideal of complex equality demands that (re-)distributions are made, which give everybody an equitable access to such goods. The most obvious candidates for the status of key goods are the liberal and participatory rights connected with citizenship in democratic societies, because if these rights are not respected, the power hierarchy will overrule all other distributive schemes. Just as obvious is the need for a basic income (or material opportunities) beyond the level of pure survival. All talk about everybody constructing their own social hierarchies on the same footing seems without much meaning, as long as some people are living on the edge of survival, or as long as there are no legal guarantees for even the most basic degree of self-determination. How can you strive for any goals, if you have no rights, no means, no opportunities? When groups of individuals lack these key goods, this would inevitably influence all the other spheres of justice, making it impossible to keep these mutually independent. The ideal of complex equality therefore demands that everybody be provided with these goods.

Secondly, however, there are situations where the ideal of complex equality will have to play an even more active role. This would be the case when a specific good tends to become dominant, i.e., where it tends to disturb other distributions,

or becomes so influential on the understanding of social status that social hierarchies related to other goods lose their significance. In these cases remedial actions seem to be equitable, or at least recommendable, given the idea of complex equality as an overall ideal. It is an open question, however, how far reaching these actions should be allowed to become.

David Miller has made the moderate suggestion, that one should always follow as a rule of thumb that whenever more possible understandings of a good are present, and different distributive criteria therefore could be used, one should find the option which would best promote equal respect or equality of overall social status in the sense described.[30] One of Miller's own examples is medical care. In a society where all citizens are well-off economically, most health services could be distributed as (affordable) commodities, so that everybody could decide independently to what extend health (or the use of health services) should have priority in his or her life. On the other hand, in a society where certain groups of people are not in a position to pay for even the most basic medical care, health services would have to be distributed in another way, because otherwise the lack of health among these poor people would disturb other distributions, wherefore complex equality could not be upheld.

If we now turn back to the distribution of goods and bads in relation to the increasing greenhouse effect, one could say, following this line of thought, that the solution should promote equality of social status as far as possible, without thereby disturbing the distributive autonomy of any sphere of justice. This means, first of all, that one should not support proposals which make it more difficult for somebody to maintain his or her self-esteem or even survival, as it is the case when access to key goods is blocked, or when certain goods become so dominant that the autonomy of other distributions is ruined. This could easily be the result, for instance, if the distribution of entitlements to emit gases to the atmosphere was made along lines similar to those of private property (based on previous usage). In this case the later coming emitters would be forced to buy emission quotas from those who (borrowing a couple of Lockean phrases for a moment) first mixed (the emissions of) their labour with the atmosphere as part of free and unregulated nature.

Stating the same point in positive terms, one should support proposals which make it easier for everybody to understand their own general status as being equal to others in spite of all the specific differences. I believe that this is one of the main reasons why an equal distribution of (tradable) emission rights to all citizens of the earth has been seen by many theorists as the most attractive solution. It will not solve the general problem of global inequality, but, in the present situation at least, it would not worsen it either. It would actually lessen the problem to a certain extent. How much this lessening would be, depends not only on the agreed-upon overall limit on emissions, together with the price on tradable permits, but also, as I shall return to a little later, on the political culture of the receiving parties.

A more radical interpretation of the demands of complex equality would allow the use of more extensive measures like a comprehensive redistribution of prominent goods, first of all money. In this case some of the reductive schemes of distributive justice, particularly those based on maxi-min or mini-max principles, could be reintroduced. If, for example, the role of money (or similar quasi-universal goods with no directly attached meaning and no inherent distributive criteria) is so important, that it disturbs the autonomy of other distributive patterns, and therefore also the possibility of an overall picture of equality, it does seem necessary from the point of view of complex equality to take special precautions. In relation to the greenhouse problematic this could, *ceteris paribus*, speak in favour of a solution where needs and abilities are important criteria.

As mentioned several times before, however, this proposal would undoubtedly run counter to most people's understanding of the global partnership. If the most excessive inequalities were really to disappear after a limited period of transition when a certain amount of goods were transferred, I tend to believe, maybe quite naïvely, that many people would accept these transfers, whether they consider it to be a matter of justice, of equity, of charity, or simply as a way of making the world a more tolerable place to live. If only they could be certain. The problem is, unfortunately, that there are so many more obstacles present in the real world that the unequal distribution of money across national borders may not in itself be the main problem. It is difficult, for instance, to ignore the political oppression and lack of respect of human rights, the civil wars, the military armament, the cultures of corruption, as well as the huge domestic inequalities within many of the countries that are counted among the worst-off parties. As long as these problems continue to put their mark on the distribution of goods, it is difficult to imagine that heavy transfers at a global level would solve very much in itself. Rather, it may very well be the case that the money ends up in the wrong pockets, or that vulnerable social systems are heavily disturbed by the transfers.

Due to these problems it is not likely that a consensus can be made around a solution that takes needs and abilities to be main criteria. It may not even help the neediest people much as long as the receivers are nation states in countries lacking democratic (or even decent) institutions. To this can be added the injustice of more permanent transfers of goods from societies which concentrate all efforts on economic growth to societies which put more stress on other aims. As I mentioned earlier in this article, John Rawls has proposed that the limit of our duty of assistance in international affairs should be located at the point where the burdened societies have achieved just and politically liberal (or at least decent) institutions, based on respect for fundamental human rights, including the right to basic means of subsistence. This is very much compatible with the ideal of complex equality, because it leaves it to the societies themselves to

decide which kind of further development would be most appropriate in relation to their specific political and cultural priorities.

One of the main arguments Rawls puts forward in order to justify his proposal is that the crucial element in how a country fares is its social and political culture, not the level of its resources. Foreign countries should therefore first and foremost assist burdened societies in the enhancement of a political and social culture which allow them to manage their own affairs in a reasonable way, rather than simply transfer considerable amounts of resources to nation states, e.g., from a global taxation of greenhouse gas emissions. The lack of liberal and democratic institutions in many countries can accordingly be seen as an important obstacle to the use of needs and abilities as main criteria in agreements on matters of common concern like the increasing greenhouse effect: the needs of the worst-off groups of people are not likely to be relieved very much as long as it is the nation states which are the recipients of transfers. Although this line of argument may result in solutions which are not fair to all parties, I do find it quite convincing. I would like to add, however, that this just underlines the need to find other and more appropriate ways to assist people living in burdened societies.

CONCLUDING REMARKS

Any overall ideal which is strong enough to influence our understanding of justice and equity in a way that takes us beyond the use of criteria like luck and chance combined with voluntary redistribution has to rely on a fairly strong conception of the relationship at hand, in this case the global partnership around issues of common concern. This is the case with any cosmopolitan version of utilitarianism, with ideals related to the direct or indirect use of maxi-min or mini-max principles on a global level, as well as with the ideal of complex equality. They all presuppose the presence of – or promote the ideal of – a relationship with obligations beyond those resulting from calculations based on mutual advantage.

The more radical the consequences are, which follow from the solutions supported by these ideals, the stronger the global relationship is expected to be (or hoped to become). If, for instance, any of the ideals recommends that basic income ought to be guaranteed directly by the global community as a human right, this community would have to be almost as tight as the political friendships found within nations with modern welfare states. This is not a realistic option in international affairs, even though the documents from Rio include many recommendations about care for the neediest and most vulnerable parties, so we will have to settle for something less ambitious.

Under these circumstances, complex equality can probably best be furthered across national borders if a distributive solution is chosen that seems reasonable to most people (despite differences of tradition) even before considerations

about developmental inequalities are brought in, and which can also survive an introduction of these considerations. On the one hand, it has to have some kind of basis in various traditions; it must be seen as fair from more than just one highly particular viewpoint. On the other hand, it must not increase global inequalities or produce more obstacles on the road to a state of complex equality.

Although there are other reasonable possibilities, I believe that the proposal which can match both kinds of considerations best in the present situation is the one which requests us to distribute emission quotas to countries in accordance with population size, i.e. on the basis of simple equality, while leaving decisions about internal distribution to the national government (or other domestic distributors). This is a rule which is simple and easy to understand, parallels can be found in all major cultural traditions, and it has the important advantage of leaving many decisions to be made at the national or local level. As long as they keep their emissions within their national quota, the national and local communities can choose their own domestic distributive schemes. They can deliberate in accordance with their own common conceptions of justice and equity, taking into account all kinds of considerations, and using various kinds of criteria which are found to be relevant when furthering the good life within the nation. In this case the need for global decision making can be combined with an equal respect for national and local self-determination, which is a well established principle in international affairs.

This proposal can also be seen as being in line with another well-established principle, namely the Polluter Pays Principle, which again is based on a principle of desert. Countries with emissions beyond the commonly agreed-upon limit are requested to take on responsibility in proportion to the burdens they put on the global community. They will either have to make more or less expensive cuts, or they will have to pay, one way or the other, for the extra emissions. I will not take a position here on whether (or under which circumstances) this could best be done by paying compensation to the most vulnerable parties, buying tradable emission entitlements, sending emission taxes to a global insurance fund, or by using different kinds of joint implementation.

The proposal moreover has the advantage of not being dependent on a conception of the global community, beyond the most basic claims of reasonable coexistence. It does not demand that redistributions are made on the basis of needs and abilities alone, even though it is likely to involve redistributions which are in accordance with these criteria, too. This will be the case, for instance, if fair and reasonable schemes for quota trading and joint implementation can be found: that is, schemes which are mutually advantageous, and which do not just give the stronger parties an opportunity to skim the cream by taking all the credit for the easiest and most profitable investments, leaving the difficult ones for the weaker parties.

Acceptance of a distribution of emission quotas in proportion to population size (or similar solutions) is only part of the solution, however. I have already

mentioned some of the difficult problems that arise as soon as we try to interpret and apply the principle.[31] First of all, however, it tells us nothing about the overall emission limit, which determines the size of the quotas. This is a question of intergenerational justice or equity, in so far as the consequences of an increasing greenhouse effect are going to fall on future generations. Most people would agree that the general consideration must be to leave future generation living conditions which are as good as those which we inherited ourselves. The intriguing question, however, is what this implies. Or, to be more specific, whether and to what extent improved knowledge, technology, and other kinds of cultural resources can be allowed to substitute for deteriorated environmental conditions or larger risks. Neoclassical welfare economists argue that we should put a price on everything and maximise the aggregated value (whether this includes discounting future goods or not). Other kinds of utilitarians argue more or less along the same lines. As we have seen above, this is not an appropriate solution, when complex equality is the ideal, because in this case there cannot be found one common denominator, which can sum up all values, nor can there be just one master principle covering all spheres of goods.

As far as I can see, their is no other reasonable way to reach a solution than through a discussion of values within the global community. We have to deliberate in common to what extent we ourselves would accept, say, the risks related to an increasing greenhouse effect in order to obtain other kinds of goods like economic growth, technological progress, etc., which so far have depended on high levels of greenhouse gas emissions. We cannot avoid trying to put ourselves in the position of future generations, given the amount of knowledge about consequences which is possible to obtain, and asking which solution we find to be the best expression of equal respect. We cannot know anything about the values of future generations, of course, but we do not need to know them either. We only have to be honest about which values we ourselves find most reasonable, and about which kinds of goods we find attractive enough to make up for the projected risks and bad consequences.

But is it possible at all to reach any kind of conclusion in these matters? Is it not one of the basic assumptions contained in the ideal of complex equality that there are so many different goods and values related to different reasonable conceptions of the good life that one cannot expect to obtain any kind of substantial consensus? True, but the fact is that we cannot avoid making decisions in common, when the overall limits of greenhouse gas emissions are to be settled. If short-cuts like those proposed by the economists, reducing political decisions to aggregated preferences, are not found attractive, there is no escape from political decision-making.

The need for common deliberation in relation to intergenerational equity has an important further consequence, namely that all members of the global community ought to have a chance of participating, directly or indirectly through elected representatives. The ideal of complex equality thus inevitably implies the

furthering of some kind of liberal democracy or political justice,[32] i.e., a state of affairs where all participants of the global community are guaranteed, as far as possible, a sufficient amount of the key goods which are necessary for their independent construction of life priorities as well as for their participation in matters of common concern.

This brings us right back to the question about the global partnership in relation to issues of common concern. This partnership is different from, and ultimately much weaker than national and local communities. It is therefore with the more limited communities that the main responsibility rests. It is these communities, not the global community, which ought to undertake the guarantees for citizens' participation. The global community can aid in situations of emergency, urge the national authorities to issue guarantees, put pressure on governments, even take military steps in extreme situations. But in the last resort, it is at the national or local level participatory rights should be guaranteed.

The world is moving continuously towards integration. In the end the global community may take over a certain proportion of the responsibilities that rest at the local and national level today. I will not *a priori* exclude the possibility that it may end up as a political friendship in a stronger sense than it is today, including some kind of global association which guarantees that no one is left without the key goods of a decent life. Ultimately, we may even dream of arriving at a situation where needs and abilities turn out to be the criteria everybody thinks about first when distributing goods and bads in matters of common concern like the increasing greenhouse effect. In the world of today this does not seem to be the case. We shall have to settle for less in matters of justice and equity. A distribution of emission quotas in accordance with population size (or some other more complex solution which involves a larger number of considerations about differentiated responsibilities, specific needs and circumstances, but with a comparable outcome) does seem to be a step in the right direction, however, if the ideal of complex equality is accepted as a guiding ideal. It does not take us far in the common deliberation about which values are relevant in relation to intergenerational equity, but it does not put more difficulties in their way either.

NOTES

[1] FCCC, Articles 3.1, 3.2, 4.2 (a), 4.3, and 4.8. The full text of the Framework Convention, the Kyoto Protocol, and documents from the six Conferences of the Parties (COP) since the 1992 Rio conference be found on the net-address www.unfccc.de. The term 'global partnership' is used in the Rio declaration, Principle 7 and 27, as well as in other documents from the Rio conference.

[2] The Third Assessment Report of the Working Group I of the Intergovernmental Panel on Climate Change (IPCC) had not been published before this article was written. On IPCC's homepage (www.ipcc.ch) a draft 'Summary for Policymakers' has recently (21/

01/2001) been published, however. A couple of the conclusions are that 'there is new stronger evidence that most of the warming observed over the last 50 years is attributable to human activities' (p. 6), that 'the globally averaged surface temperature is projected to increase by 1.4. to 5.8°C over the period 1990 to 2100', and that 'the projected rate of warming is much larger than the observed changes during the 20th century and is very likely to be without precedent during at least the last 10,000 years' (p. 8). In general, the conclusions are sharpened compared to the Second Assessment Report.

[3] The idea that the understanding of the good often in itself determines who the appropriate receivers are, which criteria to apply, and which procedure to use, is put forward and defended in Walzer 1985.

[4] The FCCC mentions a series of special needs and circumstances which ought to be taken into consideration when benefits and burdens are distributed, cf. especially Article 4.8 (a)–(i).

[5] Cf. FCCC, op.cit., Article 2.

[6] Cf. on this point Rawls 1999, pp. 105ff. According to Rawls the cut-off point is reached when burdened societies are 'able to manage their own affairs reasonably and rationally and eventually to become members of the Society of Well-ordered Peoples' (p. 111), i.e., when these societies have realised and are able to preserve just (or decent) institutions, and all their citizens have the basic means of subsistence. I shall return to this later on.

[7] It should be mentioned, though, that many of the diplomats and representatives who took part in the negotiations resulting in the Framework Convention have noticed that the discussions were quite open-minded and compromise-seeking, especially in the last phases before the final deadline, although some representatives seem to have had great difficulties abstracting from their own narrowly conceived national interest. A series of inside descriptions of the negotiating process is collected in Mintzer and Leonard 1994. The reports from later negotiations, especially the latest conference in Haag, have certainly been less encouraging.

[8] Nozick 1974 is one long acute meditation on the argument that only a distribution along these lines can be considered equitable.

[9] There is, of course, one good reason why there is no such demand, namely that it is not primarily the inherited natural resources, but rather various cultural resources that determine the wealth and wellbeing of countries, cf. also Rawls 1999: 116f.

[10] Cf. Kant 1990: 23 (390).

[11] Aristotle's classical account of the relationship between justice and friendship can be found in his *Nicomachean Ethics*, especially Chs V and VIII. See also on this point Walzer 1985, especially Ch. 2, 'Membership'. I have dealt with the problem myself in Arler 1996.

[12] I have also dealt with this issue in Arler 1998, as well as in Arler 1996. See also the discussion of the various kinds of friendship in Aristotle's ethics and political philosophy in Swanson 1992, Ch.7.

[13] It should be noticed, though, that countries involved in just wars do have a target which goes beyond that of narrow self-interest, namely to establish the conditions of a lasting peace. This aim will necessarily influence their conduct of war, which should as far as possible anticipate the aimed for post-war relationship. Cf. Walzer 1977, and Rawls 1999.

[14] Similar points can be found in Aristotle 1954: 1155a 24–26, as well as Hume 1966: 17. Cf. also the discussion of the circumstances of justice in Rawls 1972: 126ff, and in Arler 1996.

[15] This is a central point in Barry 1989: 189ff.

[16] John Rawls similarly calls the difference principle *'an interpretation of the principle of fraternity'*, which again is related to *'a sense of civic friendship and social solidarity'* (Rawls 1972: 105), even though it also *'expresses a conception of reciprocity'*, conceived as *'a principle of mutual benefit'* (p. 102). His way of reconciling these two divergent interpretations is, of course, by using the veil of ignorance as a security device against destructive selfishness: if nobody knows which position they are going to fulfil, once the curtain has been removed, they are expected to find civic friendship and social solidarity advantageous to themselves.

[17] Parties *within* the community of 'true citizens', that is, wherefore slaves should not be counted in, according to Aristotle. This is a point, of course, where we cannot follow him today.

[18] Rawls 1999: 35ff. I have argued along similar lines in Arler 1998, but have emphasised one feature, which Rawls does not mention, namely the fact that international environmental treaties and soft law documents, especially since the 1972 Stockholm conference, have identified issues of common concern such as common environmental goods which are considered worthy of protection, e.g. biological diversity (species and habitats), an unpolluted sea, an undiminished ozone layer, etc. The Framework Convention with its aim of protecting against climate change and of stabilising the greenhouse gases 'at a level that would prevent dangerous anthropogenic interference with the climate system' can be seen as one more instance of this new trend.

[19] For an overview of various proposals, see Barrett 1992, Rose 1992, Grubb et al. 1992, Arler 1995, Banuri et al. 1996, and Sagar 2000. Further references can be found in these articles.

[20] John Rawls has used a similar example in Rawls 1999: 117.

[21] Adil Najam and Ambuj Sagar have called the Kyoto Protocol an 'outcome of political horse-trading' caused by 'asymmetries at the negotiating table' and resulting in a counter-productive 'legacy of ad hocism' (Najam and Sagar 1998, cf. also Schneider 1998). The negotiations leading to the protocol are thoroughly documented in Depledge 2000. This paper can be downloaded from UNFCCC-homepage together with all the documents presented at the COPs.

[22] I will not open a discussion here as to whether 'social ideal' or 'ideal of justice' is preferable. In our context this basically boils down to the question to what extent 'equality' and 'justice' are independent values, cf. the discussion in Miller 1998.

[23] Aristotle 1954: 1157b36.

[24] Aristotle 1954: 1163b29–31.

[25] Cf. Rawls 1993.

[26] John Rawls has rejected this proposal himself, when taken beyond the national borders, on the ground that it would be too open-ended, resulting in an inequitable permanent transfer of money from 'well-ordered' to 'burdened' societies, or from societies focusing mainly on economic growth to societies focusing on other kinds of goods such as leisure, art, sports, etc. (Cf. Rawls 1999: 113ff.) The duty goes no further, he argues, than to assist burdened societies in their struggle to become liberal democratic (or at least 'decent') societies, and, consequently, to be able to sustain themselves without foreign aid and to improve the conditions of their worst-off citizens. Unfortunately, Rawls does not deal with issues of common concern.

[27] The ideal of complex equality has been put forward, first of all, by Michael Walzer in his book on the spheres of justice, and later refined by David Miller. It does, however, seem to be in line with a long tradition of thought. I have already mentioned Aristotle, and

it could also be argued that the ideal of complex equality is a way of saving the basic points in Kant's distinction between the differing phaenoumenal value (*Wert*) and the equal noumenal worth (*Würdigkeit*) of people, without being committed to his highly controversial two world theory. The idea of complex equality is discussed by various authors, some of which are highly critical to the idea, in Miller and Walzer (eds) 1995.

[28] Rawls makes a similar point about 'proper patriotism', cf. Rawls 1999: 44.

[29] Cf. on this point Robert Nozick's reflections on 'Self-esteem and Envy' in Nozick 1974: 239ff.

[30] Miller 1995.

[31] Ambuj D. Sagar has recently published one of the most reasonable proposals for a distributive scheme I have come across, cf. Sagar 2000. He, too, argues for an equal per-capita approach, and has reasonable solutions to several of the problems, I have mentioned: cumulative historical responsibility, different per-capita income levels, population growth, etc.

[32] I have discussed this point further in Arler 1996, mainly in relation to John Rawls' theory of political liberalism.

REFERENCES

Aristotle 1954. *Nicomachean Ethics* (ed. David Ross). London: Oxford University Press.

Arler, Finn 1995. 'Justice in the Air. Energy Policy, Greenhouse Effect, and the Question of Global Justice', *Human Ecology Review* **2(1)**: 40–61.

Arler, Finn 1996. 'Two Concepts of Justice', *Human Ecology Review* **3(1)**: 63–76.

Arler, Finn 1998. 'Global partnership – a matter of friendship, reciprocity or mutual advantage?', in F. Arler and I. Svennevig (eds), *Cross-Cultural Protection of Nature and the Environment*. Odense: Odense University Press.

Banuri, T. et al. 1996. 'Equity and Social Considerations', in Bruce et al. (eds) 1996.

Barry, Brian 1989. *Theories of Justice. A Treatise on Social Justice Vol.1*. London: Harvester-Wheatsheaf.

Barrett, Scott 1992. 'Acceptable Allocations of Tradeable Carbon Emission Entitlements in a Global Warming Treaty', in Grubb 1992.

Bruce, James P. et al. (eds). *Climate Change 1995. Economic and Social Dimensions of Climate Change*. IPCC Working Group III. Cambridge: Cambridge University Press.

Depledge, Joanna. *Tracing the Origins of the Kyoto Protocol: An Article-by-Article Textual History*. FCCC/TP/2000/2, November 2000.

Grubb, Michael (ed.) 1992. *Combating Global Warming*. New York: UNCTAD.

Grubb, Michael et al. 1992. 'Sharing the Burden', in Minzer (ed.) 1992.

Hume, David 1966. *An Enquiry Concerning the Principles of Morals*. La Salle, Illinois: Open Court.

Kant, Immanuel 1990. *Metaphysiske Anfangsgründe der Tugendlehre*. Hamburg: Felix Meiner Verlag.

Miller, David and Michael Walzer (eds) 1995. *Pluralism, Justice, and Equality*. Oxford: Oxford University Press.

Miller, David 1995'.Complex Equality', in Miller and Walzer (eds) 1995.

Miller, David 1998. 'Equality and Justice', in Andrew Mason (ed.), *Ideals of Equality*. Oxford: Blackwell.

Minzer, Irving M. (ed.) 1992. *Confronting Climate Change*. Cambridge: Cambridge University Press.

Mintzer, Irving M. and J. Amber Leonard (eds) 1994. *Negotiating Climate Change. The Inside Story of the Rio Convention*. Stockholm Environment Institute, Cambridge: Cambridge University Press.

Najam, Adil and Ambuj Sagar 1998. ' Avoiding a COP-Out: Moving Towards Systematic Decision-making under the Climate Convention', *Climatic Change* **39**: iii–ix.

Nozick, Robert 1974. *Anarchy, State, and Utopia*. Cambridge, Mass.: Basic Books

Rawls, John 1972. *A Theory of Justice*. Oxford: Oxford University Press.

Rawls, John 1993. *Political Liberalism*. New York: Columbia University Press.

Rawls, John 1999. *The Law of Peoples*. Cambridge Mass./London: Harvard University Press.

Rose, Adam 1992. 'Equity Considerations of Tradeable Carbon Emission Entitlements', in Grubb 1992.

Sagar, Ambuj D. 2000. 'Wealth, Responsibility, and Equity: Exploring an Allocation Framework for Global GHG Emissions', *Climatic Change* **45**: 511–527.

Schneider, Stephen H. 1998. 'Kyoto Protocol: The Unfinished Agenda', *Climatic Change* **39**: 1–21.

Swanson, Judith A. 1992. *The Public and the Private in Aristotle's Political Philosophy*. Ithaca and London: Cornell University Press.

Walzer, Michael 1977. *Just and Unjust Wars*. New York: Basic Books.

Walzer, Michael 1985. *Spheres of Justice*. Oxford: Basil Blackwell.